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Case No.: VN-2006-1538

DEFAULT DECISION AND ORDER

Vocational Nurse License No. VN 205535

Respondent.

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1 4. Pursuant to Business and Professions Code section 118(b), the expiration of a
2 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
3 period within which the license may be renewed, restored, reissued, or reinstated. Under Business
4 and Professions Code section 2892.1, the Board may renew an expired license at any time within
5 four years after the expiration.

6 5. Respondent has subjected her license to discipline under Business and
7 Professions Code section 2878(f), in that Respondent was convicted of crimes substantially related to
8 the qualifications, functions or duties of a licensed vocational nurse, as described in Accusation No.
9 VN-2006-1538, a copy of which is attached as Exhibit "1" and incorporated by reference.

10 6. Respondent has subjected her license to discipline under Business and
11 Professions Code section 2878.5(c), on the grounds of unprofessional conduct, in that Respondent
12 has been convicted of crimes involving controlled substances, as described in Accusation No. VN-
13 2006-1538.

14 7. Respondent has subjected her license to discipline under Business and
15 Professions Code section 2878.5(a), on the grounds of unprofessional conduct, in that Respondent
16 obtained, possessed, and self-administered controlled substances in violation of law, as described in
17 Accusation No. VN-2006-1538.

18 8. Respondent has subjected her license to discipline under Business and
19 Professions Code section 2878(j), in that Respondent committed acts of dishonesty, fraud or deceit,
20 as described in Accusation No. VN-2006-1538.

21 **DETERMINATION OF ISSUES**

22 Based on the foregoing Findings of Fact, Respondent has subjected her license to
23 discipline under Business and Professions Code sections 2878(f), 2878(j), 2878.5(a), and 2878.5(c).

24 **LOCATION OF RECORD**

25 The record on which this Default Decision is based is located at the Sacramento office
26 of the Board of Vocational Nursing and Psychiatric Technicians.

27 **ORDER**

28 **WHEREFORE**, the Board of Vocational Nursing and Psychiatric Technicians makes

1 the following order:

2 Vocational Nurse License Number VN 205535 authorizing Respondent to act as a
3 vocational nurse is hereby revoked.

4 Respondent shall have the right to petition for reinstatement of the aforesaid license
5 pursuant to the provision of section 2878.7(a)(1) of the Business and Professions Code.

6 Respondent shall not be deprived of making any further showing by way of
7 mitigation; however, such showing must be made directly to the Board of Vocational Nursing and
8 Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to
9 the effective date of this Decision.

10 This Default Decision shall become effective on March 29, 2009.

11 Dated and signed February 27, 2009.

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15 John P. Vertido, L.V.N.
16 President
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26 Attachments: Exhibit "1", Accusation No. VN-2006-1538 and Declaration of Service
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Exhibit "1"
Accusation No. VN-2006-1538 and Declaration of Service

NOV 13 2008

**Board of Vocational Nursing
and Psychiatric Technicians**

EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR D. TAGGART,
Supervising Deputy Attorney General
LESLIE A. BURGERMYER, State Bar No. 117576
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Attorneys for Complainant

**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC
TECHNICIANS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-1538

**CYNTHIA MICHELE KNOTT, a.k.a.
CYNTHIA MICHELE PETERS, a.k.a.
CYNTHIA MICHELE STONE**
104 E. Sierra Avenue, #14
Fresno, CA 93710

A C C U S A T I O N

Vocational Nurse License No. VN 205535

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational Nursing and Psychiatric Technicians ("Bureau"), Department of Consumer Affairs.

Vocational Nurse License

2. On or about August 22, 2003, the Bureau issued Vocational Nurse License Number VN 205535 to Cynthia Michele Knott, a.k.a. Cynthia Michele Peters, a.k.a. Cynthia Michele Stone ("Respondent"). Vocational Nurse License VN 205535 will expire on February 28, 2009, unless renewed.

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1 (a) Obtain or possess in violation of law, or prescribe, or except as
2 directed by a licensed physician and surgeon, dentist or podiatrist administer to
3 himself or herself or furnish or administer to another, any controlled substance as
4 defined in Division 10 of the Health and Safety Code, or any dangerous drug as
5 defined in Section 4022.

6 (c) Be convicted of a criminal offense involving possession of any
7 narcotic or dangerous drug, or the prescription, consumption, or
8 self-administration of any of the substances described in subdivisions (a) and (b)
9 of this section, in which event the record of the conviction is conclusive evidence
10 thereof.

11 9. Code section 4060 states, in pertinent part:

12 No person shall possess any controlled substance, except that furnished to
13 a person upon the prescription of a physician, dentist, podiatrist, or veterinarian,
14 or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant
15 to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician
16 assistant pursuant to Section 3502.1. This section shall not apply to the
17 possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
18 physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
19 practitioner, or physician assistant, when in stock in containers correctly labeled
20 with the name and address of the supplier or producer.

21 10. Health & Safety Code section 11377, subdivision (a), states:

22 Except as authorized by law and as otherwise provided in subdivision (b)
23 or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of
24 Division 2 of the Business and Professions Code, every person who possesses any
25 controlled substance which is (1) classified in Schedule III, IV, or V, and which is
26 not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except
27 paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph
28 (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of
subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of
Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or
veterinarian, licensed to practice in this state, shall be punished by imprisonment
in a county jail for a period of not more than one year or in the state prison.

11. Health & Safety Code section 11173, subdivision (a) provides that no
person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
the administration of or prescription for controlled substances, (1) by fraud, deceit,
misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

DRUGS

12. "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate a.k.a.
dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code
section 11056(e)(4), and 500 mg. acetaminophen per tablet.

1 13. "Methamphetamine" is a Schedule II controlled substance as designated
2 by Health and Safety Code section 11055(d)(2).

3 **COST RECOVERY**

4 14. Code section 125.3 provides, in pertinent part, that the Board may request
5 the administrative law judge to direct a licensee found to have committed a violation or
6 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
7 and enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Criminal Conviction)**

10 15. Respondent is subject to discipline under Code section 2878, subdivision
11 (f), in that on August 6, 2007, in the Superior Court, County of Fresno, California, in the case
12 entitled *People vs. Cynthia Michele Knott*, (Super. Ct., Fresno Cty., 2007, Case No. F07902474
13 F A), Respondent was convicted by the court on her plea of *nolo contendere* of violating Penal
14 Code section (484/487, subdivision (a) [theft by embezzlement], and Health and Safety Code
15 section 11351 [possession for sale of a controlled substance], both felonies. The circumstances
16 of the crimes are that between January 1, 2007, and January 31, 2007, Respondent, while an
17 agent, servant, and employee of the Fresno County Sheriff's Department, did unlawfully take
18 from said Fresno County Sheriff's Department, personal property of a value exceeding \$400.
19 Further, on February 13, 2007, Respondent unlawfully possessed for sale and purchase for sale
20 Vicodin, a controlled substance. Such conduct is substantially related to the qualifications,
21 functions or duties of a licensed vocational nurse.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Conviction of a Crime Involving Controlled Substances)**

24 16. Respondent is subject to discipline under Code section 2878.5, subdivision
25 (c), on the grounds of unprofessional conduct, in that Respondent has been convicted of crimes
26 involving controlled substances, as more particularly set forth in paragraph 15, above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Obtained and Possessed Controlled Substances in Violation of Law;**
3 **Self Administration)**

4 17. Respondent is subject to discipline under Code section 2878.5, subdivision
5 (a), on the grounds of unprofessional conduct, in that Respondent committed the following acts:

6 a. Between January 1, 2007, and January 31, 2007, Respondent obtained
7 unknown quantities of various controlled substances by fraud, deceit, misrepresentation or
8 subterfuge by taking the drugs from the Fresno County Sheriff's Department supplies, in
9 violation of Health & Safety Code section 11173, subdivision (a).

10 b. Between January 1, 2007, and February 13, 2007, Respondent possessed
11 unknown quantities of various controlled substances, in violation of Code section 4060.

12 c. On September 1, 2008, during a search of Respondent's residence by the
13 Fresno Police Department, Respondent was found to be in possession of Methamphetamine, a
14 controlled substance, in violation of Code section 4060 and Health & Safety Code section 11377,
15 subdivision (a).

16 d. In or about January and/or /February 2007, Respondent self-administered
17 Methamphetamine, a controlled substance.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Dishonest Acts)**

20 18. Respondent is subject to disciplinary action under Code section 2878,
21 subdivision (j), in that Respondent committed acts of dishonesty, fraud or deceit by taking
22 personal property of the Fresno County Sheriff's Department, i.e., unknown quantities of
23 controlled substances, with a value exceeding \$400, as more particularly set forth in paragraph
24 15, above.

25 **PRAYER**

26 **WHEREFORE**, Complainant requests that a hearing be held on the matters
27 herein alleged, and that following the hearing, the Director of Consumer Affairs issue
28 a decision:

1 1. Revoking or suspending Vocational Nurse License Number VN 205535,
2 issued to Cynthia Michele Knott, a.k.a. Cynthia Michele Peters, a.k.a. Cynthia Michele Stone;

3 2. Ordering Cynthia Michele Knott, a.k.a. Cynthia Michele Peters, a.k.a.
4 Cynthia Michele Stone to pay the Bureau of Vocational Nursing and Psychiatric Technicians the
5 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
6 125.3; and,

7 3. Taking such other and further action as deemed necessary and proper.

8 DATED: November 13, 2008

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11 TERESA BELLO-JONES, J.D., M.S.N., R.N.
12 Executive Officer
13 Bureau of Vocational Nursing and Psychiatric Technicians
14 Department of Consumer Affairs
15 State of California
16 Complainant
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**DECLARATION OF SERVICE BY CERTIFIED MAIL
AND
DECLARATION OF SERVICE BY FIRST CLASS MAIL**

Case Name: In the Matter of the Accusation Against:
Cynthia Michele Knott

Case No.: VN-2006-1538

I declare:

I am employed in the County of Sacramento, California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833-2945.

On November 13, 2008, I served the attached:

ACCUSATION, STATEMENT TO RESPONDENT, NOTICE OF DEFENSE (2 COPIES),
COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7, AND
REQUEST FOR DISCOVERY

in said cause, by placing a true copy thereof enclosed in two separate sealed envelopes with postage thereon fully prepaid by Certified Mail and First Class Mail, in the United States mail at Sacramento, California, addressed as follows:

NAME/ADDRESS

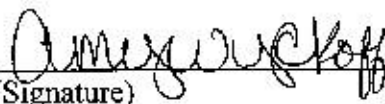
CERTIFIED MAIL NUMBER

Cynthia Michele Knott
104 E. Sierra Avenue, #14
Fresno, CA 93710

7008 0500 0002 0342 2742

I declare under penalty of perjury the foregoing is true and correct, and that this declaration was executed at Sacramento, California on November 13, 2008.

Amy Wyckoff
(Typed Name)


(Signature)

cc: Leslie A. Burgermyer, Deputy Attorney General